

“A Broad Overview of Tribal Perspectives on Environmental and Performance Indicators and Other Environmental Concerns”



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PURPOSE

- ❑ ITEP History
- ❑ Tribal Regulatory Overview
- ❑ Challenges
- ❑ Opportunities
- ❑ Conclusions and Recommendations



ITEP HISTORY

(see our Web page)

- ❑ Established in 1992, MOU between NAU and USEPA
- ❑ Tribal Outreach – 1990 CAAA and subsequent promulgation of the Tribal Authority Rule in 1998
- ❑ Established American Indian Air Quality Training Program – components include Training, Professional Assistance, Tribal Environmental Resource Center, Environmental Education Outreach Program, Student Internship Program
- ❑ In 2000, established the Tribal Air Monitoring support center – partnership between EPA, tribes and ITEP
- ❑ Other programs – training programs in solid waste, wastewater, water quality, and enforcement and compliance

TRIBAL REGULATORY OVERVIEW

- ❑ Relatively speaking, tribal environmental programs in their infancy – 1980 –1998 delegated authority established under Clean Water Act, Safe Drinking Water and Clean Air Act.
- ❑ Prior years (and even today) misconceptions that the states have regulatory authority
- ❑ Indian reservations regarded as environmental “black holes”
- ❑ Trends beginning in 1990’s – very basic programs to environmental monitoring , regulatory development (tribal sovereignty and federal delegation) and enforcement
- ❑ Some states and entities finally understanding that tribes are not “stakeholders” but sovereign governments – regarded as co-regulators along with states and EPA

CHALLENGES

- ❑ Impediments to tribal program development – challenges from states, industry regarding tribal jurisdiction
- ❑ Additional impediments from courts – erosion of tribal sovereign authority
- ❑ Funding – where states do not compete, 550+ tribes compete for limited EPA funds
- ❑ Technical resource limitations – EPA's mixed and inconsistent message on “capacity building”, shift to data acquisition, analysis and interpretation
- ❑ Environmental indicators – protection and preservation of **cultural resources** equally important as human health/environment
- ❑ Majority of Indian reservations, environmental pollution/impacts from off-reservation sources



OPPORTUNITIES

- ❑ Collaboration with other regulators improved over the last ten years – examples include STGWG, GCVTC, WRAP and other RPO's
- ❑ Consultation on policy issues has improved, due to Executive Orders and agency directives – not perfect, but on the minds of heads of departments/agencies
- ❑ National tribal organizations forming to educate EPA on tribal priorities – RTO's, NTO's, NTAA, TSC, Pesticides
- ❑ Agencies recognizing the unique status and circumstances of Indian Country – tribes will design and implement environmental programs based on tribal needs



CONCLUSIONS AND RECOMMENDATIONS

- ❑ Agencies must continue to support tribal capacity building – support tribal infrastructure development so they can assess health/environmental impacts
- ❑ Accept the fact the government has a legal, ethical and moral trust responsibility
- ❑ Accept the importance of cultural resources – subsistence lifestyles, usual and customary areas, treaty obligations
- ❑ Accept Traditional Ecological Knowledge in assessing risks and environmental indicators



Any Questions?

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